

system facilities in such detail, format, and scale as directed by the Office of Cable Communications and shall update the map annually, whenever the facilities expand or are relocated, and within 30 days of a request by the Office of Cable Communications.

Section 11. Section 21.60.080 of the Seattle Municipal Code, last amended by Ordinance 120138, is amended as follows:

21.60.080 Application for a new franchise

A. An applicant seeking a new franchise to construct, operate, and maintain a cable system in the City shall send an application to the Office of Cable Communications, along with a processing fee in the amount of \$20,000. The application shall also contain or be accompanied by the following:

1. The name, address, email, and telephone number of the applicant and the designated contact person of the applicant;
2. A detailed statement of the corporate or other business organization of the applicant, including, but not limited to, the following:
 - a. The names and business addresses of all officers and directors of the applicant; and
 - b. The names and addresses of all persons having, controlling, or being entitled to have or control, five percent or more of the ownership of the applicant, either directly or indirectly, and the ownership share of each such person;
3. A detailed description of all previous experience of the applicant or the owners of the applicant in providing cable service and in related or similar fields;

4. A detailed and complete recent financial statement of the applicant prepared by or under the supervision of certified public accountants, and of any corporation owning a majority of the voting stock of the applicant;

5. A detailed financial plan showing the financial resources required to construct, operate, or maintain the proposed cable system together with satisfactory evidence, as applicable, of the availability to the applicant of funding in excess of the applicant's own cash resources not otherwise committed;

6. A detailed statement of the proposed plan of operation of the applicant, including:

a. A statement and description of the cable system proposed to be constructed, operated, or maintained by the applicant; the proposed location of the cable system and its various components; the manner in which the applicant proposes to construct, operate, or maintain the same; and the extent and manner in which existing or future poles or other facilities of other public utilities will be used for such cable system;

b. A narrative detailing the boundaries of the franchise area in which the applicant seeks authority to construct, operate, or maintain any cable system equipment or facilities,

c. A statement or schedule setting forth all proposed rates to subscribers including installation charges and service charges;

d. A detailed, informative statement describing the equipment and operational standards proposed by the applicant, including if applicable administrative and technical procedures for interconnection of access channels and for safeguarding the privacy of return signals. In no event shall the operational and performance standards be less than those contained in FCC regulations;

- e. A copy of any agreement proposed to be entered into between the applicant and any subscriber or multiple dwelling unit; and
 - f. A statement setting forth the substance of, and names of persons party to, all agreements existing or proposed between the applicant and any other person that materially relate to or depend upon the granting of the franchise;
7. An explanation of how the applicant will meet the future cable-related needs and interests of the community, including descriptions of how the applicant will meet the needs described in any recent community needs assessment conducted by or for the City, and how the applicant will provide adequate access channel capacity or financial support to meet the community's needs and interests;
8. A copy of any agreement with respect to the franchise area existing between the applicant and any public utility providing for the use of any facilities of the public utility;
9. An explanation of the applicant's legal qualifications to construct, operate, and maintain the proposed cable system including, but not limited to, verification that:
- a. The applicant has not had any franchise revoked nor been held in violation of a franchise by any franchising authority or, absent such verification, a full explanation of the reasons for such a violation or revocation, such as the particular circumstances surrounding the matter and the steps taken by the applicant to cure all resulting harms and prevent their recurrence;
 - b. The applicant has, or is qualified to obtain, any necessary federal authorizations or waivers required to operate the proposed cable system; and
 - c. The applicant has not, at any time during the ten years preceding the submission of the application, been convicted of any act or omission of such character as would

lead a reasonable person to conclude that the applicant cannot be relied upon to deal truthfully with the City and the subscribers of the cable system or to substantially comply with its lawful obligations under applicable law, including obligations under consumer protection laws and laws prohibiting anticompetitive acts, fraud, racketeering, or other similar conduct or, absent such verification, a full explanation of the reasons for such a conviction, such as the particular circumstances surrounding the matter and the steps taken by the applicant to cure all resulting harms and prevent their recurrence, the lack of involvement of the applicant's principals, or the remoteness of the matter from the operation of the cable system;

10. An affidavit or declaration of the applicant or authorized officer certifying the truth and accuracy of the information in the application, acknowledging the enforceability of application commitments, and certifying that the application meets all local, state, and federal law requirements to the best of the applicant's knowledge and understanding; and

11. Any other information reasonably requested by the Office of Cable Communications or the Council, or required by any provision of any other ordinance of the City or its Charter, or deemed pertinent by the applicant.

B. Upon receipt of an application for a new franchise, the Office of Cable Communications shall determine whether all of the information required under this Section 21.60.080 has been submitted. If it has, then the Office of Cable Communications shall consider the application to be complete.

C. The requirements and procedures set forth in this Section 21.60.080 do not apply to a request for renewal of an existing franchise. The procedure for renewal of an existing franchise is set forth in 21.60.100.

Section 12. Section 21.60.090 of the Seattle Municipal Code, last amended by Ordinance 120138, is amended as follows:

21.60.090 Procedure for authorizing a new franchise

- A. If the Office of Cable Communications determines that an application for a new franchise is complete, it shall, as soon as is reasonably practicable as determined in the City's sole discretion following receipt of the completed application, perform a legal, technical, and financial review of the applicant's qualifications to construct, operate, and maintain the proposed cable system in the City. The Office of Cable Communications shall also notify the Council and all grantees of existing cable system franchises in the City that an application for a new franchise has been received and is under review, and post information about the application for the public on the website of the Office of Cable Communications.
- B. If the Office of Cable Communications determines that the applicant is qualified, it shall initiate negotiations of the proposed franchise terms with the applicant. All franchise terms shall comply with this Chapter 21.60.
- C. After reaching agreement with the applicant on the proposed franchise terms, the Office of Cable Communications shall prepare proposed legislation for the Mayor's consideration, which the Mayor may then submit to the Council for review and possible approval of the franchise. The proposed legislation shall include the proposed franchise and any other related agreements.
- D. Upon receipt of the proposed legislation, the Council shall promptly schedule a public hearing on the proposed legislation. The City Clerk shall publish notice of the hearing in a newspaper of general circulation within the City at least 14 days before the hearing. Only one

proposed franchise shall be considered at any one hearing. The public notice shall state the name of the proposed grantee, the proposed franchise area, how the public can access the application and relevant material, the time and place of the public hearing, and an address to which the public may send written comments.

E. At the hearing, any member of the public may testify or submit written comments. The Council shall consider all testimony and comments in determining its action on the proposed legislation.

F. The Council shall consider the legal, technical, and financial qualifications of the applicant when considering whether to grant a franchise.

G. If the Council decides to grant the proposed new franchise, it shall do so by ordinance.

H. The grantee shall sign the franchise within the time period required in the ordinance authorizing the new franchise.

I. There will be no franchise if the grantee fails to sign the franchise as required in this Section 21.60.090.

Section 13. Section 21.60.100 of the Seattle Municipal Code, last amended by Ordinance 107025, is amended as follows:

21.60.100 Procedure for authorizing a renewed franchise

A. Requests for franchise renewal will be handled by the City in a manner consistent with 47 C.F.R. § 546, as amended, and any implementing regulations.

B. All terms of the renewed franchise shall comply with this Chapter 21.60. After reaching agreement on the proposed franchise terms with the grantee seeking renewal, the Office of Cable Communications shall prepare proposed legislation for the Mayor's consideration, which the